(i) *Location:* 45°34′09″N., 123°59′37″W.; 45°34′09″N., 123°58′45″W.; 45°33′55″N., 123°58′45″W.; 45°33′55″N., 123°59′37″W.

(ii) [Reserved]

(7) Willapa Bay, WA.

(i) *Location:* 46°44′00″N., 124°10′00″W.; 46°39′00″N., 124°09′00″W.

(ii) [Reserved]

(o) Region X Interim Other Wastes Sites.

(1) No interim sites.

(2) [Reserved]

[59 FR 61129, Nov. 29, 1994, as amended at 61 FR 2946, Jan. 30, 1996; 65 FR 31497, May 18, 2000]

§ 228.15 Dumping sites designated on a final basis.

(a)(1) The sites identified in this section are approved for dumping the indicated materials. Designation of these sites was based on environmental studies conducted in accordance with the provisions of this part 228, and the sites listed in this section have been found to meet the site designation criteria of §§ 228.5 and 228.6.

(2) Unless otherwise specifically noted, site management authority for each site set forth in this section is delegated to the EPA Regional office under which the site entry is listed.

(3) Unless otherwise specifically noted, all ocean dumping site coordinates are based upon the North American Datum of 1927.

(b) Region I Final Dredged Material Sites.

(1) Portland, Maine, Dredged Material Disposal Site.

(i) *Location:* 43°33′36″N., 70°02′42″W.; 43°33′36″N., 70°01′18″W.; 43°34′36″N., 70°02′42″W.; 43°34′36″N., 70°01′18″W.

(ii) *Size:* One square nautical mile.

(iii) *Depth:* 50 meters.

(iv) *Primary use:* Dredged material.

(v) *Period of use:* Continuing use.

(vi) *Restriction:* Disposal shall be limited to dredged material.

(2) Massachusetts Bay Disposal Site.

(i) *Location:* Center coordinates (NAD 1983) 42°25.1′ north latitude, 70°35.0′ west latitude.

(ii) *Size:* 2 nautical mile diameter.

(iii) *Depth:* Average 90 meters.

(iv) *Exclusive Use:* Dredged material.

(v) *Period of Use:* Continuing.

(vi) *Restriction:* Disposal shall be limited to dredged material which meets the requirements of the MPRSA and its accompanying regulations. Disposal-and-capping is prohibited at the MBDS until its efficacy can be effectively demonstrated.

(c) Region I Final Other Wastes Sites.

(1) No final sites.

(2) [Reserved]

(d) Region II Final Dredged Material Sites.

(1) Fire Island Inlet, Long Island, New York Dredged Material Disposal Site.

(i) *Location:* 40°36′49″N., 73°23′50″W.; 40°37′12″N., 73°21′30″W.; 40°36′41″N., 73°21′20″W.; 40°36′10″N., 73°23′40″W.

(ii) *Size:* Approximately 1.09 square nautical miles.

(iii) *Depth:* Ranges from 7 to 10 meters.

(iv) *Primary Use:* Dredged material disposal.

(v) *Period of Use:* Continuing use.

(vi) *Restrictions:* Disposal shall be limited to dredged material from Fire Island Inlet, Long Island, New York.

(2) Jones Inlet, Long Island, New York Dredged Material Disposal Site.

(i) *Location:* 40°34′32″N., 73°39′14″W.; 40°34′32″N., 73°37′06″W.; 40°33′48″N., 73°37′06″W.; 40°33′48″N., 73°39′14″W.

(ii) *Size:* Approximately 1.19 square nautical miles.

(iii) *Depth:* Ranges from 7 to 10 meters.

(iv) *Primary use:* Dredged material disposal.

(v) *Period of use:* Continuing use.

(vi) *Restrictions:* Disposal shall be limited to dredged material from Jones Island Inlet, Long Island, New York.

(3) East Rockaway Inlet, Long Island NY Dredged Material Disposal Site.

(i) *Location:* 40°34′36″N., 73°49′00″W.; 40°35′06″N., 73°47′06″W.; 40°34′10″N., 73°48′6″W.; 40°34′12″N., 73°47′17″W.

(ii) *Size:* Approximately 0.81 square nautical miles.

(iii) *Depth:* Ranges from 6 to 9 meters.

(iv) *Primary use:* Dredged material disposal.

(v) *Period of use:* Continuing use.

(vi) *Restrictions:* Disposal shall be limited to dredged material from East

Rockaway Inlet, Long Island, New York.

(4) Rockaway Inlet, Long Island, New York Dredged Material Disposal Site.

(i) *Location:* 40°32′30″N., 73°55′00″W.; 40°32′30″N., 73°54′00W″; 40°32′00″N., 73°54′00″W.; 40°32′00″N., 73°55′00″W.

(ii) *Size:* Approximately 0.38 square nautical miles.

(iii) *Depth:* Ranges from 8 to 11 meters.

(iv) *Primary use:* Dredged material disposal.

(v) *Period of use:* Continuing use.

(vi) *Restrictions:* Disposal shall be limited to dredged material from Rockaway Inlet, Long Island, New York.

(5) Shark River, New Jersey Dredged Material Disposal Site.

(i) *Location:* 40°12′48″N., 73°59′45″W.; 40°12′44″N., 73°59′06″W.; 40°11′36″N., 73°59′28″W.; 40°11′42″N., 74°00′12″W.

(ii) *Size:* Approximately 0.6 square nautical miles.

(iii) *Depth:* Approximately 12 meters.

(iv) *Primary use:* Dredged material disposal.

(v) *Period of use:* Continuing use.

(vi) *Restrictions:* Disposal shall be limited to dredged material from Shark River Inlet, New Jersey.

(6) Historical Area Remediation Site (HARS) Designation/Mud Dump Site Termination.

(i) Status of Former Mud Dump Site: The Mud Dump Site, designated as an Impact Category I site on May 4, 1984, is terminated.

(ii) Location: (A) The HARS (which includes the 2.2 square nautical mile area of the former Mud Dump Site) is a 15.7 square nautical mile area located approximately 3.5 nautical miles east of Highlands, New Jersey and 7.7 nautical miles south of Rockaway, Long Island. The HARS consists of a Primary Remediation Area (PRA), a Buffer Zone, and a No Discharge Zone. The HARS is bounded by the following coordinates:

Point	Latitude DMS	Longitude DMS	Latitude DDM	Longitude DDM
A	40° 25′ 39″ N	73° 53′ 55″ W	40° 25.65′ N	73° 53.92′ W.
M	40° 25′ 39″ N	73° 48′ 58″ W	40° 25.65′ N	73° 48.97″ W.
P	40° 21′ 19″ N	73° 48′ 57″ W	40° 21.32′ N	73° 48.95′ W.
R	40° 21′ 19″ N	73° 52′ 30″ W	40° 21.32′ N	73° 52.50′ W.
S	40° 21′ 52″ N	73° 53′ 55″ W	40° 21.87′ N	73° 53.92′ W.
V	40° 21′ 52″ N	73° 52′ 30″ W	40° 21.87′ N	73° 52.50′ W.

DMS = Degrees, Minutes, Seconds.
DDM = Degrees, Decimal Minutes.

(B) The PRA, is a 9.0 square nautical mile area to be remediated with at least a 1 meter cap of the Material for Remediation. The PRA is bounded by the following coordinates:

Point	Latitude DMS	Longitude DMS	Latitude DDM	Longitude DDM
B	40° 25′ 23″ N	73° 53′ 34″ W	40° 25.38′ N	73° 53.57′ W.
D	40° 25′ 22″ N	73° 52′ 08″ W	40° 25.37′ N	73° 52.13′ W.
F	40° 23′ 13″ N	73° 52′ 09″ W	40° 23.22′ N	73° 52.15″ W.
G	40° 23′ 13″ N	73° 51′ 28″ W	40° 23.22′ N	73° 51.47′ W.
H	40° 22′ 41″ N	73° 51′ 28″ W	40° 22.68′ N	73° 51.47′ W.
I	40° 22′ 41″ N	73° 50′ 43#″ W	40° 22.68′ N	73° 50.72′ W.
L	40° 25′ 22″ N	73° 50′ 44″ W	40° 25.37′ N	73° 50.73′ W.
N	40° 25′ 22″ N	73° 49′ 19″ W	40° 25.37′ N	73° 49.32′ W.
O	40° 21′ 35″ N	73° 49′ 19″ W	40° 21.58′ N	73° 49.32′ W.
Q	40° 21′ 36″ N	73° 52′ 08″ W	40° 21.60′ N	73° 52.13′ W.
T	40° 22′ 08″ N	73° 52′ 08″ W	40° 22.13′ N	73° 52.13′ W.
U	40° 22′ 08″ N	73° 53′ 34″ W	40° 22.13′ N	73° 53.57′ W.

DMS = Degrees, Minutes, Seconds.
DDM = Degrees, Decimal Minutes.

(iii) Size: 15.7 square nautical miles.

(iv) Depth: Ranges from 12 to 42 meters.

(v) Restrictions on Use:

(A) The site will be managed so as to reduce impacts within the PRA to acceptable levels in accordance with 40 CFR 228.11(c). Use of the site will be restricted to dredged material suitable for use as the Material for Remediation. This material shall be selected so as to ensure it will not cause significant undesirable effects including through bioaccumulation or unacceptable toxicity, in accordance with 40 CFR 227.6.

(B) Placement of Material for Remediation will be limited to the PRA. Placement of Material for Remediation within the PRA is not allowed in a 0.27 nautical mile radius around the following coordinates due to the presence of shipwrecks: 40° 25.30′ W, 73° 52.80′ N; 40° 25.27′ W, 73° 52.13′ N; 40° 25.07′ W, 73° 50.05′ N; 40° 22.46′ W, 73° 53.27′ N.

(C) No placement of material may take place within the Buffer Zone, although this zone may receive material that incidentally spreads out of the PRA. The Buffer Zone is an approximately 5.7 square nautical mile area (0.27 nautical mile wide band around the PRA), which is bounded by the following coordinates:

Point	Latitude DMS	Longitude DMS	Latitude DDM	Longitude DDM
A	40°25′39″ N	73°53′55″ W	40°25.65′ N	73°53.92′ W.
B	40°25′23″ N	73°53′34″ W	40°25.38′ N	73°53.57′ W.
C	40°25′39″ N	73°51′48″ W	40°25.65′ N	73°51.80′ W.
D	40°25′22″ N	73°52′08″ W	40°25.37′ N	73°52.13′ W.
E	40°23′48″ N	73°51′48″ W	40°23.80′ N	73°51.80′ W.
F	40°23′13″ N	73°52′09″ W	40°23.22′ N	73°52.15′ W.
G	40°23′13″ N	73°51′28″ W	40°23.22′ N	73°51.47′ W.
H	40°22′41″ N	73°51′28″ W	40°22.68′ N	73°51.47′ W.
I	40°22′41″ N	73°50′43″ W	40°22.68′ N	73°50.72′ W.
J	40°23′48″ N	73°51′06″ W	40°23.80′ N	73°51.10′ W.
K	40°25′39″ N	73°51′06″ W	40°25.65′ N	73°51.10′ W.
L	40°25′22″ N	73°50′44″ W	40°25.37′ N	73°50.73′ W.
M	40°25′39″ N	73°48′58″ W	40°25.65′ N	73°48.97′ W.
N	40°25′22″ N	73°49′19″ W	40°25.37′ N	73°49.32′ W.
O	40°21′35″ N	73°49′19″ W	40°21.58′ N	73°49.32′ W.
P	40°21′19″ N	73°48′57″ W	40°21.32′ N	73°48.95′ W.
Q	40°21′36″ N	73°52′08″ W	40°21.60′ N	73°52.13′ W.
R	40°21′19″ N	73°52′30″ W	40°21.32′ N	73°52.50′ W.
S	40°21′52″ N	73°53′55″ W	40°21.87′ N	73°53.92′ W.
T	40°22′08″ N	73°52′08″ W	40°22.13′ N	73°52.13′ W.
U	40°22′08″ N	73°53′34″ W	40°22.13′ N	73°53.57′ W.
V	40°21′52″ N	73°52′30″ W	40°21.87′ N	73°52.50′ W.

DMS = Degrees, Minutes, Seconds.
DDM = Degrees, Decimal Minutes.

(D) No placement or incidental spread of the material is allowed within the No Discharge Zone, an approximately 1.0 square nautical mile area, bounded by the following coordinates:

Point	Latitude DMS	Longitude DMS	Latitude DDM	Longitude DDM
C	40°25′39″ N	73°51′48″ W	40°25.65′ N	73°51.80′ W.
E	40°23′48″ N	73°51′48″ W	40°23.80′ N	73°51.80′ W.
J	40°23′48″ N	73°51′06″ W	40°23.80′ N	73°51.10′ W.
K	40°25′39″ N	73°51′06″ W	40°25.65′ N	73°51.10′ W.

DMS = Degrees, Minutes, Seconds.
DDM = Degrees, Decimal Minutes.

(vi) Period of Use: Continuing use until EPA determines that the PRA has been sufficiently capped with at least 1 meter of the Material for Remediation. At that time, EPA will undertake any necessary rulemaking to de-designate the HARS.

(7) Manasquan, New Jersey Dredged Material Disposal Site.

(i) *Location:* 40°06′36″N., 74°01′34″W.; 40°06′19″N., 74°01′39″W.; 40°06′18″N., 74°01′53″W.; 40°06′41″N., 74°01′51″W.

(ii) *Size:* Approximately 0.11 square nautical miles.

(iii) *Depth:* Approximately 18 meters.

(iv) *Primary Use:* Dredged material disposal.

(v) *Period of Use:* Continuing use.

(vi) *Restrictions:* Disposal shall be limited to dredged material from Manasquan Inlet, New Jersey.

(8) Absecon Inlet, NJ Dredged Material Disposal Site.

(i) *Location:* 39°20′39″N., 74°18′43″W.; 39°20′30″N., 74°18′25″W.; 39°20′03″N., 74°18′43″W.; 39°20′12″N., 74°19′01″W.

(ii) *Size:* Approximately 0.28 square nautical miles.

(iii) *Depth:* Approximately 17 meters.

(iv) *Primary Use:* Dredged material disposal.

(v) *Period of Use:* Continuing use.

(vi) *Restrictions:* Disposal shall be limited to dredged material from Absecon Inlet, New Jersey.

(9) Cold Spring Inlet, NJ Dredged Material Disposal Site.

(i) *Location:* 38°55′52″N., 74°53′04″W.; 38°55′37″N., 74°52′55″W.; 38°55′23″N., 74°53′27″W.; 38°55′36″N., 74°53′36″W.

(ii) *Size:* Approximately 0.13 square nautical miles.

(iii) *Depth:* Approximately 9 meters.

(iv) *Primary Use:* Dredged material disposal.

(v) *Period of Use:* Continuing use.

(vi) *Restrictions:* Disposal shall be limited to dredged material from Cold Spring Inlet, New Jersey.

(10) San Juan Harbor, PR, Dredged Material Site.

(i) *Location:* 18°30′10″N., 66°09′31″W.; 18°30′10″N., 66°08′29″W.; 18°31′10″N., 66°08′29″W.; 18°31′10″N., 66°09′31″W.

(ii) *Size:* 0.98 square nautical mile.

(iii) *Depth:* Ranges from 200 to 400 meters.

(iv) *Primary Use:* Dredged material.

(v) *Period of Use:* Continuing use.

(vi) *Restriction:* Disposal shall be limited to dredged material from the Port of San Juan, Puerto Rico, and coastal areas within 20 miles of said port entrance.

(11) Arecibo Harbor, PR Dredged Material Disposal Site.

(i) *Location:* 18°31′00″ N., 66°43′47″ W.; 18°31′00″ N., 66°42′ 45″ W.; 18°30′00″ N., 66°42′45″W.; 18°30′00″ N., 66°43′47″ W.

(ii) *Size:* Approximately 1 square nautical mile.

(iii) *Depth:* Ranges from 101 to 417 meters.

(iv) *Primary Use:* Dredged material disposal.

(v) *Period of Use:* Continuing use.

(vi) *Restrictions:* Disposal shall be limited to dredged material from Arecibo Harbor, PR.

(12) Mayaguez Harbor, PR Dredged Material Disposal Site.

(i) *Location:* 18°15′30″ N., 67°16′13″ W.; 18°15′30″ N., 67°15′11″ W.; 18°14′30″ N., 67°15′11″ W.; 18°14′30″ N., 67°16′13″ W.

(ii) *Size:* Approximately 1 square nautical mile.

(iii) *Depth:* Ranges from 351 to 384 meters.

(iv) *Primary Use:* Dredged material disposal.

(v) *Period of Use:* Continuing use.

(vi) *Restrictions:* Disposal shall be limited to dredged material from Mayaguez Harbor, PR.

(13) Ponce Harbor, PR Dredged Material Disposal Site.

(i) *Location:* 17°54′00″ N., 66°37′43″ W.; 17°54′00″ N., 66°36′41″ W.; 17°53′00″ N., 66°36′41″ W.; 17°53′00″ N., 66°37′43″ W.

(ii) *Size:* Approximately 1 square nautical mile.

(iii) *Depth:* Ranges from 329 to 457 meters.

(iv) *Primary Use:* Dredged material disposal.

(v) *Period of Use:* Continuing use.

(vi) *Restrictions:* Disposal shall be limited to dredged material from Ponce Harbor, PR.

(14) Yabucoa Harbor, PR Dredged Material Disposal Site.

(i) *Location:* 18°03′42″ N., 65°42′49″ W.; 18°03′42″ N., 65°41′47″ W.; 18°02′42″ N., 65°41′47″W.; 18°02′42″ N., 65°42′49″ W.

(ii) *Size:* Approximately 1 square nautical mile.

(iii) *Depth:* Ranges from 549 to 914 meters.

(iv) *Primary Use:* Dredged material disposal.

(v) *Period of Use:* Continuing use.

(vi) *Restrictions:* Disposal shall be limited to dredged material from Yabucoa Harbor, PR.

(e) Region II Final Other Wastes Sites.

(1) No final sites.

(2) [Reserved]

(f) Region III Final Dredged Material Sites.

(1) Dam Neck, Virginia, Dredged Material Disposal Site.

(i) *Location:* 36°51′24.1″ N., 75°54′41.4″ W.; 36°51′24.1″ N., 75°53′02.9″ W.; 36°50′52.0″ N., 75°52′49.0″W.; 36°46′27.4″ N., 75°51′39.2″ W.; 36°46′27.5″ N., 75°54′19.0″ W.; 36°50′05.0″ N., 75°54′19.0″ W.

(ii) *Size:* 8 square nautical miles.

(iii) *Depth:* Averages 11 meters.

(iv) *Primary Use:* Dredged Material.

(v) *Period of Use:* Continuing use.

(vi) *Restriction:* Disposal shall be limited to dredged material from the mouth of Chesapeake Bay.

(2) Norfolk, VA, Dredged Material Disposal Site.

(i) *Location:* Center point: Latitude—36°59′00″ N., Longitude—75°39′00″ W.

(ii) *Size:* Circular with a radius of 7.4 kilometers (4 nautical miles).

(iii) *Depth:* Ranges from 13.1 to 26 meters.

(iv) *Primary Use:* Dredged material.

(v) *Period of Use:* Continuing use.

(vi) *Restrictions:* Site shall be limited to suitable dredged material which passed the criteria for ocean dumping.

(g) Region III Final Other Wastes Sites.

(1) No final sites.

(2) [Reserved]

(h) Region IV Final Dredged Material Sites.

(1) Morehead City, NC Dredged Material Disposal Site.

(i) *Location:* 34°38′30″ N., 76°45′0″ W.; 34°38′30″ N., 76°41′42″ W.; 34°38′09″ N., 76°41′0″ W.; 34°36′0″ N., 76°41′0″ W.; 34°36′0″ N., 76°45′0″ W.

(ii) *Size:* 8 square nautical miles.

(iii) *Depth:* Average 12.0 meters.

(iv) *Primary Use:* Dredged material.

(v) *Period of Use:* Continuing use.

(vi) *Restriction:* Disposal shall be limited to dredged material from the Morehead City Harbor, North Carolina area. All material disposed must satisfy the requirements of the ocean dumping regulations.

(2) Wilmington, NC Dredged Material Disposal Site.

(i) *Location:* 33°49′30″ N., 78°03′06″ W.; 33°48′18″ N., 78°01′39″ W.; 33°47′19″ N., 78°02′48″ W.; 33°48′30″ N., 78°04′16″ W.

(ii) *Size:* 2.3 square nautical miles.

(iii) *Depth:* Averages 13 meters.

(iv) *Primary Use:* Dredged material.

(v) *Period of Use:* Continuing use.

(vi) *Restriction:* Disposal shall be limited to the dredged material from Wilmington Harbor area.

(3) Georgetown Harbor; Georgetown, South Carolina: Ocean Dredged Material Disposal Site.

(i) *Location:* 33°11′18″ N., 79°07′20″ W.; 33°11′18″ N., 79°05′23″ W.; 33°10′38″ N., 79°05′24″ W.; 33°10′38″ N., 79°07′21″ W.

(ii) *Size:* 1 square nautical mile.

(iii) *Depth:* 6 to 11 meter range.

(iv) *Primary use:* Dredged material.

(v) *Period of use:* Continuing use.

(vi) *Restriction:* Disposal shall be limited to suitable dredged material from the greater Georgetown, South Carolina, area.

(4) [Reserved]

(5) Charleston, SC Harbor Deepening Project Dredged Material Disposal Site.

(i) *Location:* 32°38′06″N., 79°41′57″W.; 32°40′42″N., 79°47′30″W.; 32°39′04″N., 79°49′21″W.; 32°36′28″N., 79°43′48″W.

(ii) *Size:* 11.8 square nautical miles.

(iii) *Depth:* Averages 11 meters.

(iv) *Primary use:* Dredged material from the Charleston Harbor deepening project.

(v) Period of use: Continued use.

(vi) Restriction: Disposal shall be limited to dredged material from the Charleston Harbor area. All dredged materials, except entrance channel materials, shall be limited to that part of the site east of the line between coordinates 32°39′04″ N, 79°44′25″ W and 32°37′24″ N, 79°45′30″ W unless the material can be shown by sufficient testing to contain 10% or less of fine material (grain size of less than 0.074 mm) by weight and shown to be suitable for ocean disposal. Additionally, all disposals shall be in accordance with all provisions of material placement as specified by the Site Management Plan.

(6) Savannah, GA Dredged Material Disposal Site.

(i) *Location:* 31°55′53″N., 80°44′20″W.; 31°57′55″N., 80°46′48″W.; 31°57′55″N., 80°44′20″W.; 31°55′53″N., 80°46′48″W.

(ii) *Size:* 4.26 square nautical miles.

(iii) *Depth:* Averages 11.4 meters.

(iv) *Primary use:* Dredged material.

(v) *Period of use:* Continuing use.

(vi) *Restriction:* Disposal shall be limited to dredged material from the Savannah Harbor area.

(7) Brunswick Harbor, Brunswick, Georgia Ocean Dredged Material Disposal Site.

(i) *Location:* 31°02′35″N., 81°17′40″W.; 31°02′35″N., 81°16′30″W.; 31°00′30″N., 81°16′30″W.; 31°00′30″N., 81°17′42″W.

(ii) *Size:* Approximately 2 square nautical miles.

(iii) *Depth:* Average 9 meters.

(iv) *Primary use:* Dredged material.

(v) *Period of use:* Continuing use.

(vi) *Restrictions:* Disposal shall be limited to suitable dredged material from the greater Brunswick, Georgia, vicinity.

(8) Fernandina Beach, FL Dredged Material Disposal Site.

(i) *Location:* 30°33′00″N., 81°16′52″W.; 30°31′00″N., 81°16′52″W.; 30°31′00″N., 81°19′08″W.; 30°33′00″N., 81°19′08″W.

(ii) *Size:* Four square nautical miles.

(iii) *Depth:* Average 16 meters.

(iv) *Primary use:* Dredged material.

(v) *Period of use:* Continuing Use.

(vi) *Restriction:* Disposal shall be limited to dredged material which meets the criteria given in the Ocean Dumping Regulations in 40 CFR part 227.

(9) Jacksonville, FL Dredged Material Site.

(i) *Location:* 30°21′30″N., 81°18′34″W.; 30°21′30″N., 81°17′26″W.; 30°20′30″N., 81°17′26″W.; 30°20′30″N., 81°18′34″W.

(ii) *Size:* One square nautical mile.

(iii) *Depth:* Ranges from 12 to 16 meters.

(iv) *Primary use:* Dredged material.

(v) *Period of use:* Continuing use.

(vi) *Restriction:* Disposal shall be limited to dredged material from the Jacksonville, Florida, area.

(10) Canaveral Harbor, FL, Dredged Material Dumpsite.

(i) *Location:* 28°20′15″N., 80°31′11″W.; 28°18′51″N., 80°29′15″W.; 28°17′13″N., 80°30′53″W.; 28°18′36″N., 80°32′45″W.

Center coordinates: 28°18′44″N., 80°31′00″W. (NAD 27).

(ii) *Size:* 4 square nautical miles.

(iii) *Depth:* Range 47 to 55 feet.

(iv) *Primary Use:* Dredged material.

(v) *Period of Use:* Continuing use.

(vi) *Restriction:* Disposal shall be limited to suitable dredged material from the greater Canaveral, Florida, vicinity.

(11) Fort Pierce Harbor, FL, Fort Pierce, FL, Ocean Dredged material Disposal Site.

(i) Location: 27°28′00″ N., 80°12′33″ W.; 27°28′00″ N., 80°11′27″ W.; 27°27′00″ N., 80°11′27″ W.; and 27°27′00″ N., 80°12′33″ W.

(ii) *Size:* 1 square nautical mile.

(iii) *Depth:* Average range 40 to 54 feet.

(iv) *Primary Use:* Dredged material.

(v) *Period of Use:* Continuing use.

(vi) *Restrictions:* Disposal shall be limited to suitable dredged material from the greater Fort Pierce Harbor vicinity. All dredged material consisting of greater than 10% fine grained material (grain size of less than 0.047mm) by weight shall be limited to that part of the site east of 80°12′00″W. and south of 27°27′20″N.

(12) Pensacola Nearshore, FL Dredged Material Disposal Site.

(i) *Location:* 30°17′24″N., 87°18′30″W.; 30°17′00″N., 87°19′50″W.; 30°15′36″N., 87°17′48″W.; 30°15′15″N., 87°19′18″W.

(ii) *Size:* 2.48 square nautical miles.

(iii) *Depth:* Averages 11 meters.

(iv) *Primary use:* Dredged material.

(v) *Period of use:* Continuing use.

(vi) *Restriction:* Disposal shall be limited to dredged materials which are shown to be predominantly sand (defined by a median grain size greater than 0.125 mm and a composition of less than 10% fines) and meet the Ocean Dumping Criteria.

(13) Pensacola, Florida Ocean Dredged Material Disposal Site, i.e. the Pensacola (Offshore) Ocean Dredged Material Disposal Site.

(i) *Location:* 30°08′50″N., 87°19′30″W.; 30°08′50″N., 87°16′30″W.; 30°07′05″″N., 87°16′30″W.; 30°07′05″N., 87°19′30″W.

(ii) *Size:* Approximately 6 square statute miles.

(iii) *Depth:* Ranges from 65 to 80 feet.

(iv) *Primary Use:* Dredged material.

(v) *Period of Use:* Continuing use.

(vi) *Restrictions:* Disposal is restricted to predominantly fine-grained dredged material from the greater Pensacola, Florida area that meets the Ocean Dumping Criteria but is not suitable for beach nourishment or disposal at the existing EPA designated Pensacola (Nearshore) ODMDS (§ 228.15(h)(11)). The Pensacola (Nearshore) ODMDS is restricted to suitable dredged material with a median grain size of > 0.125 mm and a composition of < 10% fines.

(14) Mobile, Alabama Dredged Material Disposal Site.

(i) *Location:* 30°10′00″N., 88°07′42″W.; 30°10′24″N., 88°05′12″W.; 30°09′24″N.,

88°04′42″W.; 30°08′30″N., 88°05′12″W.; 30°08′30″N., 88°08′12″W.

(ii) *Size:* 4.8 square nautical miles.
(iii) *Depth:* Average 14 meters.
(iv) *Primary use:* Dredged material.
(v) *Period of use:* Continuing use.
(vi) *Restriction:* Disposal shall be limited to dredged materials which meet the Ocean Dumping Criteria.

(15) Pascagoula, MS, Ocean Dredged Material Dumpsite.
(i) *Location:* 30°12′06″N., 88°44′30″W.; 30°11′42″N., 88°33′24″W.; 30°08′30″N., 88°37′00″W.; and 30°08′18″N., 88°41′54″W.

Center coordinates: 30°10′09″N., 88°39′12″W.

(ii) *Size:* 18.5 square nautical miles.
(iii) *Depth:* Average 46 feet, range 38–52 feet.
(iv) *Primary Use:* Dredged material.
(v) *Period of Use:* Continuing use.
(vi) *Restriction:* Disposal shall be limited to suitable material from the Mississippi Sound and vicinity.

(16) Gulfport, Mississippi Dredged Material Disposal Site—Eastern Site
(i) *Location:* 30°11′10″N., 88°58′24″W.; 30°11′12″N., 88°57′30″W.; 30°07′36″N., 88°54′24″W.; 30°07′24″N., 88°54′48″W.

(ii) *Size:* 2.47 square nautical miles.
(iii) *Depth:* 9.1 meters.
(iv) *Primary use:* Dredged material.
(v) *Period of use:* Continuing use.
(vi) *Restriction:* Disposal shall be limited to materials which meet the Ocean Dumping Criteria.

(17) Gulfport, MS Dredged Material Disposal Site—Western Site.
(i) *Location:* 30°12′00″N., 89°00′30″W.; 30°12′00″N., 88°59′30″W.; 30°11′00″N., 89°00′00″W.; 30°07′00″N., 88°56′30″W.; 30°06′36″N., 88°57′00″W.; 30°10′30″N., 89°00′36″W.
(ii) *Size:* 5.2 square nautical miles.
(iii) *Depth:* 8.2 meters.
(iv) *Primary use:* Dredged material.
(v) *Period of use:* Continuing use.
(vi) Disposal shall be limited to dredged material which meets the Ocean Dumping Criteria.

(18) Tampa, Florida; Ocean Dredged Material Disposal Site _____ Region IV.
(i) Location: 27°32′27″N.; 83°06′02″W; 27°32′27″N.; 83°03′46″W.; 27°30′27″N.; 83°06′02″W.; 27°30′27″N.; 83°03′46″W.
(ii) Size: Approximately 4 square nautical miles.
(iii) Depth: Approximately 22 meters.
(iv) Primary use: Dredged material.
(v) Period of use: Continuing use.
(vi) Restriction: Disposal shall be limited to suitable dredged material from the greater Tampa, Florida vicinity. Disposal shall comply with conditions set forth in the most recent approved Site Management and Monitoring Plan.

(19) Miami, Florida; Ocean Dredged Material Disposal Site.
(i) Location: 25°45′30″N.; 80°03′54″W.; 25°45′30″N.; 80°02′50″W.; 25°44′30″N.; 80°03′54″W.; 25°44′30″N.; 80°02′50″W.

Center coordinates are 25°45′00″ N and 80°03′22″ W.

(ii) Size: Approximately 1 square nautical mile.
(iii) Depth: Ranges from 130 to 240 meters.
(iv) Primary use: Dredged material.
(v) Period of use: Continuing use.
(vi) Restriction: Disposal shall be limited to suitable dredged material from the greater Miami, Florida vicinity. Disposal shall comply with conditions set forth in the most recent approved Site Management and Monitoring Plan.

(i) Region IV Final Other Wastes Sites.
(1) No final sites.
(2) [Reserved]

(j) Region VI Final Dredged Material Sites.
(1) Mississippi River Gulf Outlet, LA.
(i) *Location:* 29°32′35″N., 89°12′38″W.; 29°29′21″N., 89°08′00″W.; 29°24′32″N., 88°59′23″W.; 29°24′28″N., 88°59′39″W.; 29°28′59″N., 89°08′19″W.; 29°32′15″N., 89°12′57″W.; thence to point of beginning.
(ii) *Size:* 6.03 square nautical miles.
(iii) *Depth:* Ranges from 20 to 40 feet.
(iv) *Primary use:* Dredged material.
(v) *Period of use:* Continuing use.
(vi) *Restrictions:* Disposal shall be limited to dredged material from the vicinity of Mississippi River Gulf Outlet.

(2) Southwest Pass—Mississippi River, LA.
(i) *Location:* 28°54′12″N., 89°27′15″W.; 28°54′12″N., 89°26′00″W.; 28°51′00″N., 89°27′15″W.; 28°51′00″N., 89°26′00″W.
(ii) *Size:* 3.44 square nautical miles.
(iii) *Depth:* Ranges from 2.7 to 32.2 meters.

(iv) *Primary use:* Dredged material.
(v) *Period of Use:* Continuing use.
(vi) *Restrictions:* Disposal shall be limited to dredged material from the vicinity of the Southwest Pass Channel.
(3) Barataria Bay Waterway, LA.
(i) *Location:* 29°16′10″N., 89°56′20″W.; 29°14′19″N., 89°53′16″W.; 29°14′00″N., 89°53′36″W.; 29°16′29″N., 89°55′59″W.
(ii) *Size:* 1.4 square nautical miles.
(iii) *Depth:* Ranges from 8–20 feet.
(iv) *Primary Use:* Dredged material.
(v) *Period of Use:* Continuing use.
(vi) *Restriction:* Disposal shall be limited to dredged material from the vicinity of Barataria Bay Waterway.
(4) Houma Navigation Canal, Louisiana.
(i) *Location:* 29°05′22.3″N., 90°34′43″W.; thence following a line 1000 feet west of the channel centerline to 29°02′17.8″N., 90°34′28.4″W.; thence to 29°02′12.6″N., 90°35′27.8″W.; thence to 29°05′30.8″N., 90°35′27.8″W.; thence to the point of beginning.
(ii) *Size:* 2.08 square nautical miles.
(iii) *Depth:* Ranges from 6 to 30 feet.
(iv) *Primary Use:* Dredged material.
(v) *Period of Use:* Continuing use.
(vi) *Restrictions:* Disposal shall be limited to dredged material from the vicinity of Cat Island Pass, Louisiana.
(5) Calcasieu, LA Dredged Material Site 1.
(i) *Location:* 29°45′39″N., 93°19′36″W.; 29°42′42″N., 93°19′06″W.; 29°42′36″N., 93°19′48″W.; 29°44′42″N., 93°20′12″W.; 29°44′42″N., 93°20′24″W.; 29°45′27″N., 93°20′33″W.
(ii) *Size:* 1.76 square nautical miles.
(iii) *Depth:* Ranges from 2 to 8 meters.
(iv) *Primary Use:* Dredged material.
(v) *Period of Use:* Continuing use.
(vi) *Restriction:* Disposal shall be limited to dredged material from the vicinity of the Calcasieu River and Pass Project.
(6) Calcasieu, LA Dredged Material Site 2.
(i) *Location:* 29°44′31″N., 93°20′43″W.; 29°39′45″N., 93°19′56″W.; 29°39′34″N., 93°20′46″W.; 29°44′25″N., 93°21′33″W.
(ii) *Size:* 3.53 square nautical miles.
(iii) *Depth:* Ranges from 2 to 11 meters.
(iv) *Primary Use:* Dredged material.
(v) *Period of Use:* Continuing use.
(vi) *Restriction:* Disposal shall be limited to dredged material from the vicinity of the Calcasieu River and Pass Project.
(7) Calcasieu, LA Dredged Material Site 3.
(i) *Location:* 29°37′50″N., 93°19′37″W.; 29°37′25″N., 93°19′33″W.; 29°33′55″N., 93°16′23″W.; 29°33′49″N., 93°16′5″W.; 29°30′59″N., 93°13′51″W.; 29°29′10″N., 93°13′49″W.; 29°29′05″N., 93°14′23″W.; 29°30′49″N., 93°14′25″W.; 29°37′26″N., 93°20′24″W.; 29°37′44″N., 93°20′27″W.
(ii) *Size:* 5.88 square nautical miles.
(iii) *Depth:* Ranges from 11 to 14 meters.
(iv) *Primary Use:* Dredged material.
(v) *Period of Use: Continuing use.*
(vi) *Restriction:* Disposal shall be limited to dredged material from the vicinity of the Calcasieu River and Pass Project.
(8) Sabine-Neches, TX Dredged Material Site 1.
(i) *Location:* 29°28′03″N., 93°41′14″W.; 29°26′11″N., 93°41′14″W.; 29°26′11″N., 93°44′11″W.
(ii) *Size:* 2.4 square nautical miles.
(iii) *Depth:* Ranges from 11–13 meters.
(iv) *Primary Use:* Dredged material.
(v) *Period of Use:* Continuing use.
(vi) *Restriction:* Disposal shall be limited to dredged material from the Sabine-Neches area.
(9) Sabine-Neches, TX Dredged Material Site 2.
(i) *Location:* 29°30′41″N., 93°43′49″W.; 29°28′42″N., 93°41′33″W.; 29°28′42″N., 93°44′49″W.; 29°30′08″N., 93°46′27″W.
(ii) *Size:* 4.2 square nautical miles.
(iii) *Depth:* Ranges from 9–13 meters.
(iv) *Primary Use:* Dredged material.
(v) *Period of Use: Continuing use.*
(vi) *Restriction:* Disposal shall be limited to dredged material from the Sabine-Neches area.
(10) Sabine-Neches, TX Dredged Material Site 3.
(i) *Location:* 29°34′24″N., 93°48′13″W.; 29°32′47″N., 93°46′16″W.; 29°32′06″N., 93°46′29″W.; 29°31′42″N., 93°48′16″W.; 29°32′59″N., 93°49′48″W.
(ii) *Size:* 4.7 square nautical miles.
(iii) *Depth:* 10 meters.
(iv) *Primary Use:* Dredged material.
(v) *Period of Use:* Continuing use.
(vi) *Restriction:* Disposal shall be limited to dredged material from the Sabine-Neches area.

(11) Sabine-Neches, TX, Dredged Material Site 4.

(i) *Location:* 29°38′09″N., 93°49′23″W.; 29°35′53″N., 93°48′18″W.; 29°35′06″N., 93°50′24″W.; 29°36′37″N., 93°51′09″W.; 29°37′00″N., 93°50′06″W.; 29°37′46″N., 93°50′26″W.

(ii) *Size:* 4.2 square nautical miles.

(iii) *Depth:* Ranges from 5–9 meters.

(iv) *Primary Use:* Dredged material.

(v) *Period of Use:* Continuing use.

(vi) *Restriction:* Disposal shall be limited to dredged material from the Sabine-Neches area.

(12) Galveston, TX Dredged Material Site.

(i) *Location:* 29°18′00″N., 94°39′30″W; 29°15′54″N., 94°37′06″W.; 29°14′24″N., 94°3′8′42″W.; 29°16′54″N., 94°41′30″W.

(ii) *Size:* 6.6 square nautical miles.

(iii) *Depth:* Ranges from 10 to 15.5 meters.

(iv) *Primary Use:* Dredged material.

(v) *Period of Use:* Continuing use.

(vi) *Restriction:* Disposal shall be limited to dredged material from the Galveston, Texas area.

(13) Freeport Harbor, TX, New Work (45 Foot Project).

(i) *Location:* 28°50″51″N., 95°13′54″W.; 28°51′44″N., 95°14′49″W.; 28°50′15″N., 95°16′40″W.; 28°49′22″N., 95°15′45″W.

(ii) *Size:* 2.64 square nautical miles.

(iii) *Depth:* 54 to 61 feet.

(iv) *Primary Use:* Construction (new work) dredged material.

(v) *Period of Use:* Indefinite period of time.

(vi) *Restriction:* Disposal shall be limited to dredged material from the Freeport Harbor Entrance and Jetty Channels, Texas.

(14) Freeport Harbor, TX, Maintenance (45 Foot Project).

(i) *Location:* 28°54′00″N., 95°15′49″W.; 28°53′28″N., 95°15′16″W.; 28°52′00″N., 95°16′59″W.; 28°52′32″N., 95°17′32″W.

(ii) *Size:* 1.53 square nautical miles.

(iii) *Depth:* 31 to 38 feet.

(iv) *Primary use:* Maintenance dredged material.

(v) *Period of Use:* Indefinite period of time.

(vi) *Restriction:* Disposal shall be limited to dredged material from the Freeport Harbor Entrance and Jetty Channels, Texas.

(15) Matagorda Ship Channel, TX.

(i) *Location:* 28°23′48″N., 96°18′00″W.; 28°23′21″N., 96°18′31″W.; 28°22′43″N., 96°17′52″W.; 28°23′11″N., 96°17′22″W.

(ii) *Size:* 0.56 square nautical mile.

(iii) *Depth:* Ranges from 25–40 feet.

(iv) *Primary Use:* Dredged Material.

(v) *Period of Use:* Indefinite period of time.

(vi) *Restriction:* Disposal shall be limited to dredged material from the Matagorda Ship Channel, Texas.

(16) Homeport Project, Port Aransas, TX.

(i) *Location:* 27°47′42″ N., 97°00′12″ W.; 27°47′15″ N., 96°59′25″ W.; 27°46′17″ N., 97°01′12″ W.; 27°45′49″ N., 97°00′25″ W.

(ii) *Size:* 1.4 square miles.

(iii) *Depth:* Ranges from 45–55 feet.

(iv) *Primary Use:* Dredged material.

(v) *Period of Use:* 50 years.

(vi) *Restriction:* Disposal shall be limited to dredged material from the U.S. Navy Homeport Project, Corpus Christi/Ingleside, TX.

(17) Corpus Christi Ship Channel, TX.

(i) *Location:* 27°49′10″N., 97°01′09″W.; 27°48′42″N., 97°00′21″W.; 27°48′06″N., 97°00′48″W.; 27°48′33″N., 97°01′36″W.

(ii) *Size:* 0.63 square nautical mile.

(iii) *Depth:* Ranges from 35 to 50 feet.

(iv) *Primary use:* Dredged material.

(v) *Period of use:* Indefinite period of time.

(vi) *Restrictions:* Disposal shall be limited to dredged material from the Corpus Christi Ship Channel, Texas.

(18) Port Mansfield, TX.

(i) *Location:* 26°34′24″N., 97°15′15″W.; 26°34′26″N., 97°14′17″W.; 26°33′57″N., 97°14′17″W.; 26°33′55″N., 97°15′15″W.

(ii) *Size:* 0.42 Square nautical miles.

(iii) *Depth:* Ranges from 35–50 feet.

(iv) *Primary Use:* Dredged material.

(v) *Period of Use:* Indefinite period of time.

(vi) *Restriction:* Disposal shall be limited to dredged material from the Port Mansfield Entrance Channel, Texas.

(19) Brazos Island Harbor, TX.

(i) *Location:* 26°04′32″ N., 97°07′26″ W.; 26°04′32″ N., 97°06′30″ W.; 26°04′02″ N., 97°06′30″ W.; 26°04′02″ N., 97°07′26″ W.

(ii) *Size:* 0.42 square nautical miles.

(iii) *Depth:* Ranges from 55 to 65 feet.

(iv) *Primary Use:* Dredged material.

(v) *Period of Use:* Indefinite period of time.

(vi) *Restriction:* Disposal shall be limited to dredged material from the Brazos Island Harbor Entrance Channel, Texas.

(20) Brazos Island Harbor (42-Foot Project), TX.

(i) *Location:* 26°04′47″ N., 97°05′07″ W.; 26°05′16″ N., 97°05′04″ W.; 26°05′10″ N., 97°04′06″ W.; 26°04′42″ N., 97°04′09″ W.

(ii) *Size:* 0.42 square nautical miles.

(iii) *Depth: Ranges from 60–67 feet.*

(iv) *Primary Use:* Dredged material.

(v) *Period of Use:* Indefinite period of time.

(vi) *Restrictions:* Disposal shall be limited to construction material dredged from the Brazos Island Harbor Entrance Channel, Texas.

(21) Atchafalaya River and Bayous Chene, Boeuf, and Black, LA

(i) *Location:* 29E20′59.92″ N, 91E 23′ 33.23″ W; 29E20′43.94″ N, 91E23′09.73″ W; 29E08′15.46″ N, 91E34′51.02″ W; and 29E07′59.43″ N, 91E34′27.51″ W.

(ii) *Size:* 9.14 square miles.

(iii) *Depth:* Average water depth of 16 feet.

(iv) *Primary Use:* Dredge material.

(v) *Period of Use:* Indefinite period of time.

(vi) *Restriction:* Disposal shall be limited to dredged material from the bar channel of the Atchafalaya River and Bayous Chene, Boeuf, and Black, Louisiana.

(k) Region VI Final Other Wastes Sites.

(1) No final sites.

(2) [Reserved]

(l) Region IX Final Dredged Material Sites.

(1) San Diego, CA (LA–5).

(i) *Location:* Center coordinates of the site are: 32°36.83′ North Latitude and 117°20.67′ West Latitude (North American Datum from 1927), with a radius of 3,000 feet (910 meters).

(ii) *Size:* 0.77 square nautical miles.

(iii) *Depth:* 460 to 660 feet (145 to 200 meters).

(iv) *Primary Use:* Ocean dredged material disposal.

(v) *Period of Use:* Continuing use.

(vi) *Restrictions:* Disposal shall be limited to dredged materials that comply with EPA's Ocean Dumping Regulations and Corps Permitting Regulations.

(2) Los Angeles/Long Beach, CA (LA–2).

(i) *Location:* 33°37.10′ North Latitude by 118°17.40′ West Longitude (North American Datum from 1983), with a radius of 3,000 feet (910 meters).

(ii) *Size:* 0.77 square nautical miles.

(iii) *Depth:* 380 to 1060 feet (110 to 320 meters).

(iv) *Primary use:* Ocean dredged material disposal.

(v) *Period of use:* Continuing use, subject to submission of a revised Consistency Determination to the California Coastal Commission after 5 years of site management and monitoring.

(vi) *Restrictions:* Disposal shall be limited to dredged sediments that comply with EPA's Ocean Dumping Regulations.

(3) San Francisco Deepwater Ocean Site (SF–DODS) Ocean Dredged Material Disposal Site—Region IX.

(i) *Location:* Center coordinates of the oval-shaped site are: 37°39.0′ North latitude by 123°29.0′ West longitude (North American Datum from 1983), with length (north-south axis) and width (west-east axis) dimensions of approximately 4 nautical miles (7.5 kilometers) and 2.5 nautical miles (4.5 kilometers), respectively.

(ii) *Size:* 6.5 square nautical miles (22 square kilometers).

(iii) *Depth:* 8,200 to 9,840 feet (2,500 to 3,000 meters).

(iv) *Use Restricted to Disposal of:* Dredged materials.

(v) *Period of Use:* Continuing use over 50 years from date of site designation, subject to restrictions and provisions set forth below.

(vi) *Restrictions/provisions:* The remainder of this §228.15(l)(3) (hereinafter referred to as ''this section'') constitutes the required Site Management and Monitoring Plan (SMMP) for the SF–DODS. This SMMP shall be supplemented by a Site Management and Monitoring Plan Implementation Manual (SMMP Implementation Manual) containing more detailed operational guidance. The SMMP Implementation Manual may be periodically revised as necessary; proposed revisions to the SMMP Implementation Manual shall be made following opportunity for public review and comment. Adherence to the provisions of the most current

SMMP Implementation Manual, including mandatory permit conditions, site monitoring activities, and any other condition(s) EPA or the Corps have required as part of the project authorization or permit, is a requirement for use of the SF–DODS. SF–DODS use shall be subject to the following restrictions and provisions:

(vii) *Type and capacity of disposed materials.* Site disposal capacity is 4.8 million cubic yards of suitable dredged material per year for the remaining period of site designation. This limit is based on considerations in the regional Long Term Management Strategy for the placement of dredged material within the San Francisco Bay region, and on monitoring of site use since the SF–DODS was designated in 1994.

(viii) *Permit/project conditions.* Paragraph (l)(3)(viii)(A) of this section sets forth requirements for inclusion in permits to use the SF–DODS, and in all Army Corps of Engineers federal project authorizations. Paragraph (l)(3)(viii)(B) of this section describes additional project-specific conditions that will be required of disposal permits and operations as appropriate. Paragraph (l)(3)(viii)(C) of this section describes how alternative permit conditions may be authorized by EPA and the Corps of Engineers. All references to ''permittees'' shall be deemed to include the Army Corps of Engineers when implementing a federal dredging project.

(A) *Mandatory conditions.* All permits or federal project authorizations authorizing use of the SF–DODS shall include the following conditions, unless approval for an alternative permit condition is sought and granted pursuant to paragraph (l)(3)(viii)(C) of this section:

(*1*) Transportation of dredged material to the SF–DODS shall only be allowed when weather and sea state conditions will not interfere with safe transportation and will not create risk of spillage, leak or other loss of dredged material in transit to the SF–DODS. No disposal trips shall be initiated when the National Weather Service has issued a gale warning for local waters during the time period necessary to complete dumping operations, or when wave heights are 16 feet or greater. The permittee must consult the most current version of the SMMP Implementation Manual for additional restrictions and/or clarifications regarding other sea state parameters, including, but not limited to wave period.

(*2*) All vessels used for dredged material transportation and disposal must be loaded to no more than 80 percent by volume of the vessel. Before any disposal vessel departs for the SF–DODS, an independent quality control inspector must certify in writing that the vessel meets the conditions and requirements of a certification checklist that contains all of the substantive elements found in the example contained in the most current SMMP Implementation Manual. For the purposes of paragraph (l)(3)(viii) of this section, ''independent'' means not an employee of the permittee or dredging contractor; however, the Corps of Engineers may provide inspectors for Corps of Engineers dredged material disposal projects.

(3) Dredged material shall not be leaked or spilled from disposal vessels during transit to the SF–DODS.

(*4*) Disposal vessels in transit to and from the SF–DODS should remain at least three nautical miles from the Farallon Islands whenever possible. Closer approaches should occur only in situations where the designated vessel traffic lane enters the area encompassed by the 3-mile limit, and where safety may be compromised by staying outside of the 3-mile limit. In no case may disposal vessels leave the designated vessel traffic lane.

(*5*) When dredged material is discharged within the SF–DODS, no portion of the vessel from which the materials are to be released (*e.g.*, hopper dredge or towed barge) can be further than 1,900 feet (600 meters) from the center of the target area at 37°39′ N, 123°29′ W.

(6) No more than one disposal vessel may be present within the permissible dumping target area referred to in paragraph (l)(3)(viii)(A)(5) of this section at any time.

(*7*) Disposal vessels shall use an appropriate navigation system capable of indicating the position of the vessel

carrying dredged material (for example, a hopper dredged vessel or towed barge) with a minimum accuracy and precision of 100 feet during all disposal operations. The system must also indicate the opening and closing of the doors of the vessel carrying the dredged material. If the positioning system fails, all disposal operations must cease until the navigational capabilities are restored. The back-up navigation system, with all the capabilities listed in this condition, must be in place on the vessel carrying the dredged material.

(8) The permittee shall maintain daily records of the amount of material dredged and loaded into barges for disposal, the times that disposal vessel depart for, arrive at and return from the SF–DODS, the exact locations and times of disposal, and the volumes of material disposed at the SF–DODS during each vessel trip. The permittee shall further record wind and sea state observations at intervals to be established in the permit.

(9) For each disposal vessel trip, the permittee shall maintain a computer printout from a Global Positioning System or other acceptable navigation system showing transit routes and disposal coordinates, including the time and position of the disposal vessel when dumping was commenced and completed.

(10) An independent quality control inspector (as defined in paragraph (l)(3)(viii)(A)(*2*)) of this section shall observe all dredging and disposal operations. The inspector shall verify the information required in paragraphs (l)(3)(viii)(A)(*8*) and (*9*) of this section. The inspector shall promptly inform permittees of any inaccuracies or discrepancies concerning this information and shall prepare summary reports, which summarize all such inaccuracies and discrepancies, from time to time as shall be specified in permits. Such summary reports shall be sent by the permittee to the District Engineer and the Regional Administrator within a time interval that shall be specified in the permit.

(*11*) The permittee shall report any anticipated or actual permit violations to the District Engineer and the Regional Administrator within 24 hours of discovering such violation. If any anticipated or actual permit violations occur within the Gulf of the Farallones or the Monterey Bay National Marine Sanctuaries, the permittee must also report any such violation to the respective Sanctuary Manager within 24 hours. In addition, the permittee shall prepare and submit reports, certified accurate by the independent quality control inspector, on a frequency that shall be specified in permits, to the District Engineer and the Regional Administrator setting forth the information required by Mandatory Conditions in paragraphs (l)(3)(viii)(A)(*8*) and (*9*) of this section.

(*12*) Permittees, and the Corps in its Civil Works projects, must make arrangements for independent observers to be present on disposal vessels for the purpose of conducting shipboard surveys of seabirds and marine mammals. Observers shall employ standardized monitoring protocols, as referenced in the most current SMMP Implementation Manual. At a minimum, permittees shall ensure that independent observers are present on at least one disposal trip during each calendar month that disposal occurs, AND on average at least once every 25 vessel trips to the SF–DODS.

(*13*) At the completion of short-term dredging projects, at least annually for ongoing projects, and at any other time or interval requested by the District Engineer or Regional Administrator, permittees shall prepare and submit to the District Engineer and Regional Administrator a report that includes complete records of all dredging, transport and disposal activities, such as navigation logs, disposal coordinates, scow certification checklists, and other information required by permit conditions. Electronic data submittals may be required to conform to a format specified by the agencies. Permittees shall include a report indicating whether any dredged material was dredged outside the areas authorized for dredging or was dredged deeper than authorized for dredging by their permits.

(B) *Project-specific conditions.* Permits or federal project authorizations authorizing use of the SF–DODS may include the following conditions, if EPA

determines these conditions are necessary to facilitate safe use of the SF–DODS, the prevention of potential harm to the environment or accurate monitoring of site use:

(1) Permittees may be required to limit the speed of disposal vessels in transit to the SF-DODS to a rate that is safe under the circumstances and will prevent the spillage of dredged materials.

(2) Permittees may be required to use automated data logging systems for recording navigation and disposal coordinates and/or load levels throughout disposal trips when such systems are feasible and represent an improvement over manual recording methodologies.

(3) Any other conditions that EPA or the Corps of Engineers determine to be necessary or appropriate to facilitate compliance with the requirements of the MPRSA and this section may be included in site use permits.

(C) *Alternative permit/project conditions.* Alternatives to the permit conditions specified in paragraph (l)(3)(viii) of this section in a permit or federal project authorization may be authorized if the permittee demonstrates to the District Engineer and the Regional Administrator that the alternative conditions are sufficient to accomplish the specific intended purpose of the permit condition in issue and further demonstrates that the waiver will not increase the risk of harm to the environment, the health or safety of persons, nor will impede monitoring of compliance with the MPRSA, regulations promulgated under the MPRSA, or any permit issued under the MPRSA.

(ix) *Site monitoring.* Data shall be collected in accordance with a three-tiered site monitoring program which consists of three interdependent types of monitoring for each tier: Physical, chemical and biological. In addition, periodic confirmatory monitoring concerning potential site contamination shall be performed. Specific guidance for site monitoring tasks required by this paragraph shall be described in a Site Management and Monitoring Implementation Manual (SMMP Implementation Manual) developed by EPA. The SMMP Implementation Manual shall be reviewed periodically and any necessary revisions to the Manual will be issued for public review under an EPA Public Notice.

(A) *Tier 1 monitoring activities.* Tier 1 monitoring activities shall consist of the following:

(1) Physical monitoring. Tier 1 Physical Monitoring shall consist of a physical survey to map the area on the seafloor within and in the vicinity of the disposal site where dredged material has been deposited (the footprint). Such a survey shall use appropriate technology (for example, sediment profile photography) to determine the areal extent and thickness of the disposed dredged material, and to determine if any dredged material has deposited outside of the disposal site boundary.

(2) Chemical monitoring. Tier 1 Chemical Monitoring shall consist of collecting, processing, and preserving boxcore samples of sediments so that such sediments could be subjected to sediment chemistry analysis in the appropriate tier. Samples shall be collected within the dredged material footprint, outside of the dredged material footprint, and outside of the disposal site boundaries. Samples within the footprint shall be subjected to chemical analysis in annual Tier 1 activity. Samples from outside of the footprint and outside of the disposal site boundaries shall be archived and analyzed only when the criteria requiring Tier 2 as specified in paragraph (l)(3)(x) of this section are met. A sufficient number of samples shall be collected so that the potential for adverse impacts due to elevated chemistry can be assessed with an appropriate time-series or ordinal technique.

(3) Biological monitoring. Tier 1 Biological Monitoring shall have two components: Monitoring of pelagic communities and monitoring of benthic communities.

(i) Pelagic communities. Tier 1 Biological Monitoring shall include regional surveys of seabirds, marine mammals and mid-water column fish populations appropriate for evaluating how these populations might be affected by disposal site use. A combination of annual regional and periodic (random) shipboard surveys of seabirds and marine mammals will be used. The regional

survey designs for each category of biota shall be similar to that used for the regional characterization studies referenced in the Final Environmental Impact Statement for Designation of a Deep Water Ocean Dredged Material Disposal Site off San Francisco, California (August 1993) with appropriate realignments to accommodate transects within and in the vicinity of the SF–DODS. The periodic shipboard surveys shall be performed from vessels involved in dredged material disposal operations at the SF–DODS as specified in permit conditions imposed pursuant to paragraph (l)(3)(viii)(A)(12) of this section. The minimum number of surveys must be sufficient to characterize the disposal operations for each project, and, as practicable, provide seasonal data for an assessment of the potential for adverse impacts for the one-year period. An appropriate time-series (ordinal), and community analysis shall be performed using data collected during the current year and previous years.

(ii) Benthic communities. Tier 1 Biological Monitoring shall include collection and preservation of boxcore samples of benthic communities so that such samples could be analyzed as a Tier 2 activity.

(4) Annual reporting. The results of the annual Tier 1 studies shall be compiled in an annual report which will be available for public review.

(B) Tier 2 monitoring activities. Tier 2 monitoring activities shall consist of the following:

(1) Physical monitoring. Tier 2 Physical Monitoring shall consist of oceanographic studies conducted to validate and/or improve the models used to predict the dispersion in the water column and deposition of dredged material on the seafloor at the SF–DODS. The appropriate physical oceanographic studies may include: The collection of additional current meter data, deployment of sediment traps, and deployment of surface and subsurface drifters.

(2) Chemical monitoring. Tier 2 Chemical Monitoring shall consist of performing sediment chemistry analysis on samples collected and preserved in Tier 1 from outside of the footprint and outside of the disposal site boundaries.

(3) Biological monitoring. Tier 2 Biological Monitoring shall involve monitoring of pelagic communities and monitoring of benthic communities.

(i) Pelagic communities. Tier 2 Biological Monitoring for pelagic communities shall include supplemental surveys of similar type to those in Tier 1, or other surveys as appropriate.

(ii) Benthic communities. Tier 2 Biological Monitoring for benthic communities shall include a comparison of the benthic community within the dredged material footprint to benthic communities in adjacent areas outside of the dredged material footprint. An appropriate time-series (ordinal) and community analysis shall be performed using data collected during the current year and previous years to determine whether there are adverse changes in the benthic populations outside of the disposal site which may endanger the marine environment.

(4) Annual reporting. The results of any required Tier 2 studies shall be compiled in an annual report which will be available for public review.

(C) *Tier 3 monitoring activities.* Tier 3 monitoring activities shall consist of the following:

(1) Physical monitoring. Tier 3 physical monitoring shall consist of advanced oceanographic studies to study the dispersion of dredged material in the water column and the deposition of dredged material on the seafloor in the vicinity of the SF-DODS. Such physical monitoring may include additional, intensified studies involving the collection of additional current meter data, deployment of sediment traps, and deployment of surface and subsurface drifters. Such studies may include additional sampling stations, greater frequency of sampling, more advanced sampling methodologies or equipment, or other additional increased study measures compared to similar studies conducted in Tier 1 or 2.

(2) Chemical monitoring. Tier 3 Chemical Monitoring shall consist of analysis of tissues of appropriate field-collected benthic and/or epifaunal organisms to determine bioaccumulation of contaminants that may be associated with dredged materials deposited at the SF-DODS. Sampling and analysis shall be designed and implemented to

determine whether the SF-DODS is a source of adverse bioaccumulation in the tissues of benthic species collected at or outside the SF-DODS, compared to adjacent unimpacted areas, which may endanger the marine environment. Appropriate sampling methodologies for these tests will be determined and the appropriate analyses will involve the assessment of benthic body burdens of contaminants and correlation with comparison of the benthic communities inside and outside of the sediment footprint.

(3) Biological monitoring. Tier 3 biological monitoring shall have two components: monitoring of pelagic communities and monitoring of benthic communities.

(i) Pelagic communities. Tier 3 Biological Monitoring shall include advanced studies of seabirds, marine mammals and mid-water column fish to evaluate how these populations might be affected by disposal site use. Such studies may include additional sampling stations, greater frequency of sampling, more advanced sampling methodologies or equipment, or other additional increased study measures compared to similar studies conducted in Tier 1 or 2. Studies may include evaluation of sub-lethal changes in the health of pelagic organisms, such as the development of lesions, tumors, developmental abnormality, decreased fecundity or other adverse sub-lethal effect.

(*ii*) *Benthic communities.* Tier 3 Biological Monitoring shall include advanced studies of benthic communities to evaluate how these populations might be affected by disposal site use. Such studies may include additional sampling stations, greater frequency of sampling, more advanced sampling methodologies or equipment, or other additional increased study measures compared to similar studies conducted in Tier 2. Studies may include evaluation of sub-lethal changes in the health of benthic organisms, such as the development of lesions, tumors, developmental abnormality, decreased fecundity or other adverse sub-lethal effect.

(*4*) *Reporting.* The results of any required Tier 3 studies shall be compiled in a report which will be available for public review.

(D) *Periodic confirmatory monitoring.* At least once every three years, the following confirmatory monitoring activities will be conducted and results compiled in a report which will be available for public review: Samples of sediments taken from the dredged material footprint shall be subjected to bioassay testing using one or more appropriate sensitive marine species consistent with applicable ocean disposal testing guidance (''Green Book'' or related Regional Implementation Agreements), as determined by the Regional Administrator, to confirm whether contaminated sediments are being deposited at the SF–DODS despite extensive pre-disposal testing. In addition, near-surface arrays of appropriate filter-feeding organisms (such as mussels) shall be deployed in at least three locations in and around the disposal site for at least one month during active site use, to confirm whether substantial bioaccumulation of contaminants may be associated with exposure to suspended sediment plumes from multiple disposal events. One array must be deployed outside the influence of any expected plumes to serve as a baseline reference.

(x) *Site management actions.* Once disposal operations at the site begin, the three-tier monitoring program described in paragraphs (l)(3)(ix) (A) through (C) of this section shall be implemented on an annual basis, through December 31, 1998, independent of the actual volumes disposed at the site. Thereafter, the Regional Administrator may establish a minimum annual disposal volume (not to exceed 10 percent of the designated site capacity at any time) below which this monitoring program need not be fully implemented. The Regional Administrator shall promptly review monitoring reports for the SF–DODS along with any other information available to the Regional Administrator concerning site monitoring activities. If the information gathered from monitoring at a given monitoring tier is not sufficient for the Regional Administrator to base reasonable conclusions as to whether disposal at the SF–DODS

might be endangering the marine ecosystem, then the Regional Administrator shall require intensified monitoring at a higher tier. If monitoring at a given tier establishes that disposal at the SF–DODS is endangering the marine ecosystem, then the Regional Administrator shall require modification, suspension or termination of site use.

(A) *Selection of site monitoring tiers*—(*1*) *Physical monitoring.* Physical monitoring shall remain limited to Tier 1 monitoring when Tier 1 monitoring establishes that no significant amount of dredged material has been deposited or transported outside of the site boundaries. Tier 2 monitoring shall be employed when Tier 1 monitoring is insufficient to conclude that a significant amount of dredged material as defined in paragraph (l)(3)(x)(A)*(4)* of this section has not been deposited or transported outside of the site boundaries.

(*2*) *Chemical monitoring.* (*i*) Chemical monitoring shall remain limited to Tier 1 Chemical Monitoring when the results of Physical Monitoring indicate that a significant amount of dredged material as defined in paragraph (l)(3)(x)(A)*(4)* of this section has not been deposited or transported off-site, and Tier 1 Chemical Monitoring establishes that dredged sediments deposited at the disposal site do not contain levels of chemical contaminants that are significantly elevated above the range of chemical contaminant levels in dredged sediments that the Regional Administrator and the District Engineer found to be suitable for disposal at the SF–DODS pursuant to 40 CFR part 227.

(*ii*) Tier 2 monitoring shall be employed when the results of Physical Monitoring indicate that a significant amount of dredged material as defined in paragraph (l)(3)(x)(A)*(4)* of this section has been deposited off-site, and Tier 1 Chemical Monitoring is insufficient to establish that dredged sediments deposited at the disposal site do not contain levels of chemical contaminants that are significantly elevated above the range of chemical contaminant levels in dredged sediments that the Regional Administrator and the District Engineer found to be suitable for disposal at the SF–DODS pursuant to 40 CFR part 227.

The Regional Administrator may employ Tier 2 monitoring when available evidence indicates that a significant amount of dredged material as defined in paragraph (l)(3)(x)(A)*(4)* of this section has been deposited near the SF–DODS site boundary.

(*iii*) Tier 3 monitoring shall be employed within and outside the dredged material footprint when Tier 2 Chemical Monitoring is insufficient to establish that dredged sediments deposited at the disposal site do not contain levels of chemical contaminants that are significantly elevated above the range of chemical contaminant levels in dredged sediments that the Regional Administrator and the District Engineer found to be suitable for disposal at the SF–DODS pursuant to 40 CFR part 227.

(*3*) *Biological monitoring.* (*i*) *Pelagic communities.* Biological monitoring for pelagic communities shall remain limited to Tier 1 monitoring when Tier 1 monitoring establishes that disposal at the SF–DODS has not endangered the monitored pelagic communities. When Tier 1 monitoring is insufficient to make reasonable conclusions whether disposal at the site has endangered the monitored pelagic communities, then Tier 2 monitoring of pelagic communities shall be employed. When Tier 2 monitoring is insufficient to make reasonable conclusions whether disposal at the site has endangered the monitored pelagic communities, then Tier 3 monitoring of pelagic communities shall be employed.

(*ii*) *Benthic communities.* Biological monitoring for benthic communities shall remain limited to Tier 1 monitoring when physical monitoring establishes that a significant amount of dredged material has not been deposited outside of the site boundaries. If physical monitoring indicates that a significant amount of dredged material has been deposited or transported outside of the site boundaries, then Tier 2 analysis of benthic communities shall be performed. If Chemical Monitoring establishes that there is significant bioaccumulation of contaminants in organisms sampled from within or outside the dredged material footprint, then Tier 3 Biological Monitoring of the disposal site shall be employed.

Tier 3 Biological Monitoring may replace Tier 3 Chemical Monitoring if observed biological effects are established as surrogate indicators for bioaccumulation of chemical contaminants in sampled organisms.

(*4*) *Definition of significant dredged material accumulation.* For purposes of this paragraph (l)(3)(x)(A) of this section, dredged material accumulation on the ocean bottom to a thickness of five centimeters shall be considered to be a significant amount of dredged material. The Regional Administrator may determine that a lesser amount of accumulation is significant if available evidence indicates that a lesser amount of off-site accumulation could endanger marine resources.

(B) *Modification, suspension or termination of site use. (1)* If the results of site monitoring or other information indicate that any of the following are occurring as a result of disposal at the SF–DODS, then the Regional Administrator shall modify, suspend, or terminate site use overall, or for individual projects as appropriate:

(*i*) Exceedance of Federal marine water quality criteria within the SF–DODS following initial mixing as defined in 40 CFR 227.29(a) or beyond the site boundary at any time;

(*ii*) Placement or movement of significant quantities of disposed material outside of site boundaries near or toward significant biological resource areas or marine sanctuaries;

(*iii*) Endangerment of the marine environment related to potentially significant adverse changes in the structure of the benthic community outside the disposal site boundary;

(*iv*) Endangerment to the health, welfare, or livelihood of persons or to the environment related to potentially significant adverse bioaccumulation in organisms collected from the disposal site or areas adjacent to the site boundary compared to the reference site;

(*v*) Endangerment to the health, welfare, or livelihood of persons related to potentially significant adverse impacts upon commercial or recreational fisheries resources near the site; or

(*vi*) Endangerment to the health, welfare, or livelihood of persons or to the environment related to any other potentially significant adverse environmental impacts.

(*2*) The Regional Administrator shall modify site use, rather than suspend or terminate site use, when site use modification will be sufficient to eliminate the adverse environmental impacts referred to in paragraphs (l)(3)(x)(B)*(1) (i)* or *(ii)* of this section or the endangerment to human health, welfare or livelihood to the environment referred to in paragraphs (l)(3)(x)(B)*(1) (iii)* through (*vi*) of this section. Notwithstanding the provisions of any permit or federal project authorization authorizing site use, the Regional Administrator shall order, following opportunity for public comment, any of the following modifications to site use that he or she deems necessary to eliminate the adverse environmental effect or endangerment to human health, welfare, or livelihood or to the environment:

(*i*) Change or additional restrictions upon the permissible times, rates and total volume of disposal of dredged material at the SF–DODS;

(*ii*) Change or additional restrictions upon the method of disposal or transportation of dredged materials for disposal; or

(*iii*) Change or additional limitations upon the type or quality of dredged materials according to chemical, physical, bioassay toxicity, or bioaccumulation characteristics.

(*3*) The Regional Administrator shall suspend site use when site use suspension is both necessary and sufficient to eliminate any adverse environmental effect or endangerment to human health, welfare, or livelihood or to the environment referred to in paragraph (l)(3)(x)(B)*(1)* of this section. Notwithstanding the provisions of any permit or federal project authorization authorizing site use, the Regional Administrator shall order, following opportunity for public comment, site use suspension until an appropriate management action is identified or for a time period that will eliminate the adverse environmental effect or endangerment to human health, welfare, or livelihood or to the environment.

(*4*) Notwithstanding the provisions of any permit or federal project authorization authorizing site use, the Regional Administrator shall order, following opportunity for public comment, site use permanently terminated if this is the only means for eliminating the adverse environmental impacts referred to in paragraphs (l)(3)(x)(B)*(1) (i)* or *(ii)* of this section or the endangerment to human health, welfare or livelihood to the environment referred to in paragraphs (l)(3)(x)(B)*(1) (iii)* through *(vi)* of this section.

(4) Channel Bar Site, San Francisco, CA (SF–8).

(i) *Location:* 37°44′55″N., 122°37′18″W; 37°45′45″N., 122°34′24″W.; 37°44′24″N., 122°37′06″W.; 37°45′15″N., 122°34′12″W.

(ii) *Size:* 4,572 x 914 meters.

(iii) *Depth:* Ranges from 11 to 14.3 meters.

(iv) *Primary Use:* Dredged material.

(v) *Period of Use:* Continuing use.

(vi) *Restriction:* Disposal shall be limited to material from required dredging operations at the entrance of the San Francisco main ship channel which is composed primarily of sand having grain sizes compatible with naturally occurring sediments at the disposal site and containing approximately 5 percent of particles having grain sizes finer than that normally attributed to very fine sand (.075 millimeters). Other dredged materials meeting the requirements of 40 CFR 227.13 but having smaller grain sizes may be dumped at this site only upon completion of an appropriate case-by-case evaluation of the impact of such material on the site which demonstrates that such impact will be acceptable.

(5) Hilo, HI.

(i) *Location:* (center point): Latitude—19°48′30″N.; Longitude—154°58′30″W.

(ii) *Size:* Circular with a radius of 920 meters.

(iii) *Depth:* Ranges from 330 to 340 meters.

(iv) *Primary Use:* Dredged material.

(v) *Period of Use:* Continuing use.

(vi) *Restriction:* Disposal shall be limited to dredged material.

(6) Kahului, HI.

(i) *Location:* (center point): Latitude—21°04′42″N.; Longitude—156°29′00″W.

(ii) *Size:* Circular with a radius of 920 meters.

(iii) *Depth:* Ranges from 345 to 365 meters.

(iv) *Primary Use:* Dredged material.

(v) *Period of Use:* Continuing use.

(vi) *Restriction:* Disposal shall be limited to dredged material.

(7) South Oahu, HI.

(i) *Location:* (center point): Latitude—21°15′10″ N.; Longitude—157°56′50″ W.

(ii) *Size:* 2 kilometers wide and 2.6 kilometers long.

(iii) *Depth:* Ranges from 400 to 475 meters.

(iv) *Primary Use:* Dredged material.

(v) *Period of Use:* Continuing use.

(vi) *Restriction:* Disposal shall be limited to dredged material.

(8) Nawiliwili, HI.

(i) *Location:* (centerpoint): Latitude—21°55′00″ N. Longitude—159°17′00″ W.

(ii) *Size:* Circular with a radius of 920 meters.

(iii) *Depth:* Ranges from 840 to 1,120 meters.

(iv) *Primary Use:* Dredged material.

(v) *Period of Use:* Continuing use.

(vi) *Restriction:* Disposal shall be limited to dredged material.

(9) Port Allen, HI.

(i) *Location:* (center point) Latitude—21°50′00″ N. Longitude—159°35′00″ W.

(ii) *Size:* Circular with a radius of 920 meters.

(iii) *Depth:* Ranges from 1,460 to 1,610 meters.

(iv) *Primary Use:* Dredged material.

(v) *Period of Use:* Continuing use.

(vi) *Restriction:* Disposal shall be limited to dredged material.

(10) Humboldt Open Ocean Disposal Site (HOODS) Ocean Dredged Material Disposal Site—Region IX.

(i) Location: The coordinates of the corners of the square site are: 40°48′25″ North latitude (N) by 124°16′22″ West longitude (W); 40°49′03″ N by 124°17′22″ W; 40°47′38″ N by 124°17′22″ N; and 40°48′17″ N by 124°18′12″ W (North American Datum from 1983).

(ii) Size: 1 square nautical mile (3 square kilometers).

(iii) Depth: Water depths within the area range between approximately 160 to 180 feet (49 to 55 meters).

(iv) Use Restricted to Disposal of: Dredged materials.

(v) Period of Use: Continuing use over 50 years from date of site designation, subject to restrictions and provisions set forth in paragraph (l)(10)(vi) of this section.

(vi) Restrictions/Provisions: Site management and monitoring activities shall be implemented during the period of site use and in accordance with the Site Management and Monitoring Plan (SMMP) for the HOODS as incorporated in the Final EIS, and summarized in Section D of this final rule. All disposal activities shall be terminated if monitoring, as described in the SMMP, is not implemented. The SMMP may be periodically revised as necessary; proposed substantive revisions to the SMMP shall be made following opportunity for public review and comment.

(m) Region IX Final Other Wastes Sites.

(1) Fish Processing Waste Disposal Site, American Samoa.

(i) *Location:* 14°24.00′ South latitude by 170°38.30′ West longitude (1.5 nautical mile radius).

(ii) *Size:* 7.07 square nautical miles.

(iii) *Depth:* 1,502 fathoms (2,746 meters or 9,012 feet).

(iv) *Primary Use:* Disposal of fish processing wastes.

(v) *Period of Use:* Continued use.

(vi) *Restriction:* Disposal shall be limited to dissolved air flotation (DAF) sludge, presswater, and precooker water produced as a result of fish processing operations at fish canneries generated in American Samoa.

(2) [Reserved]

(n) Region X Final Dredged Material Sites.

(1) Chetco, OR, Dredged Material Site.

(i) *Location:* 42°01′55″ N., 124°16′37″ W.; 42°01′55″ N., 124°16′13″ W.; 42°01′37″ N., 124°16′13″ W.; and 42°01′37″ N., 124°16′37″ W. (NAD83)

(ii) *Size:* 0.09 square nautical mile.

(iii) *Depth:* 21 meters (average).

(iv) *Primary Use:* Dredged material.

(v) *Period of Use:* Continuing use.

(vi) *Restrictions:* Disposal shall be limited to dredged material determined to be suitable for unconfined disposal from the Chetco Estuary and River and adjacent areas.

(2) Coos Bay, OR Dredged Material Site E.

(i) *Location:* 43°21′59″ N., 124°22′45″ W.;43°21′48″ N., 124°21′59″ W.; 43°21′35″ N., 124°22′05″ W.; 43°21′46″ N., 124°22′51″ W.

(ii) *Size:* 0.13 square nautical mile.

(iii) *Depth:* Averages 17 meters.

(iv) *Primary Use:* Dredged material.

(v) *Period of Use:* Continuing use.

(vi) *Restriction:* Disposal shall be limited to dredged material in the Coos Bay area of type 1, as defined in the site designation final EIS.

(3) Coos Bay, OR Dredged Material Site F.

(i) *Location:* 43°22′44″ N., 124°22′18″ W.; 43°22′29″ N., 124°21′34″ W.; 43°22′16″ N., 124°21′42″ W.; 43°22′31″ N., 124°22′26″ W.

(ii) *Size:* 0.13 square nautical mile.

(iii) *Depth:* Averages 24 meters.

(iv) *Primary Use:* Dredged material.

(v) *Period of Use:* Continuing use.

(vi) *Restriction:* Disposal shall be limited to dredged material in the Coos Bay area of type 1, as defined in the site designation final EIS.

(4) Coos Bay, OR Dredged Material Site H.

(i) *Location:* 43°23′53″ N., 124°22′48″ W.; 43°23′42″ N., 124°23′01″ W.; 43°24′16″ N., 124°23′26″ W.; 43°24′05″ N., 124°23′38″ W.

(ii) *Size:* 0.13 square nautical mile.

(iii) *Depth:* Averages 55 meters.

(iv) *Primary Use:* Dredged material.

(v) Period of Use: Continuing use.

(vi) *Restriction:* Disposal shall be limited to dredged material in the Coos Bay area of type 2 and 3, as defined in the site designation final EIS.

(5) Coquille River Entrance, OR.

(i) *Location:* 43°08′26″ N., 124°26′44″ W.; 43°08′3″ N., 124°26′08″ W.; 43°08′13″ N., 124°27′00″ W.; 43°07′50″ N., 124°26′23″ W.

Centroid: 43°08′08″ N., 124°26′34″ W.

(ii) *Size:* 0.17 square nautical miles.

(iii) *Depth:* 18.3 meters.

(iv) *Period of Use:* Continuing use.

(v) *Restrictions:* Disposal shall be limited to dredged material from the Coquille Estuary and River and adjacent areas.

(6) Mouth of Columbia River, OR/WA Dredged Material Site A.

(i) *Location:* 46°13′03″ N., 124°06′17″ W.; 46°12′50″ N., 124°05′55″ W.; 46°12′13″ N., 124°06′43″ W.; 46°12′26″ N., 124°07′05″ W.

(ii) *Size:* 0.27 square nautical mile.

(iii) *Depth:* Ranges from 14–25 meters.

(iv) *Primary use:* Dredged material.

(v) *Period of use:* Continuing use.

(vi) *Restriction:* Disposal shall be limited to dredged material from the Columbia River entrance channel and adjacent areas.

(7) Mouth of Columbia River, OR/WA Dredged Material Site B.

(i) *Location:* 46°14′37″ N., 124°10′34″ W.; 46°13′53″ N., 124°10′01″ W.; 46°13′43″ N., 124°10′26″ W.; 46°14′28″ N., 124°10′59″ W.

(ii) *Size:* 0.25 square nautical mile.

(iii) *Depth:* Ranges from 24–39 meters.

(iv) *Primary use:* Dredged material.

(v) *Period of use:* Continuing use.

(vi) *Restriction:* Disposal shall be limited to dredged material from the Columbia River entrance channel and adjacent areas.

(8) Mouth of Columbia River, OR/WA Dredged Material Site E.

(i) *Location:* 46°15′43″ N., 124°05′21″ W.; 46°15′36″ N., 124°05′11″ W.; 46°15′11″ N., 124°05′53″ W.; 46°15′18″ N., 124°06′03″W.

(ii) *Size:* 0.08 square nautical mile.

(iii) *Depth:* Ranges from 16–21 meters.

(iv) *Primary use:* Dredged material.

(v) *Period of use:* Continuing use.

(vi) *Restriction:* Disposal shall be limited to dredged material from the Columbia River entrance channel and adjacent areas.

(9) Mouth of Columbia River, OR/WA Dredged Material Site F.

(i) *Location:* 46°12′12″ N., 124°09′00″ W.; 46°12′00″ N., 124°08′42″ W.; 46°11′48″ N., 124°09′00″ W.; 46°12′00″ N., 124°09′18″ W.

(ii) *Size:* 0.08 square nautical mile.

(iii) *Depth:* Ranges from 38–42 meters.

(iv) *Primary use:* Dredged material.

(v) *Period of use:* Continuing use.

(vi) *Restriction:* Disposal shall be limited to dredged material from the Columbia River entrance channel and adjacent areas.

(10) Grays Harbor Eight Mile Site.

(i) *Location:* Circle with a 0.40 mile radius around a central coordinate at 46°57′ N., 124°20.06′ W.

(ii) *Size:* 0.5 square nautical miles.

(iii) *Depth:* 42–49 meters.

(iv) *Primary use:* Dredged material.

(v) *Period of Use:* One time use over multiple years. Designation of the site is anticipated within five years following completion of disposal and monitoring activities.

(vi) *Restrictions:* Disposal shall be limited to dredged material from initial construction of the Grays Harbor navigation project. Post-disposal monitoring will determine the need and extent of closure requirements.

(11) Grays Harbor Southwest Navigation Site.

(i) *Location:* 46°52.94′ N., 124°13.81′ W; 46°52.17′ N., 124°12.96′ W.; 46°51.15′ N., 124°14.19′ W.; 46°51.92′ N., 124°14.95′ W.

(ii) *Size:* 1.25 square nautical miles.

(iii) *Depth:* 30–37 meters (average).

(iv) *Primary use:* Dredged material.

(v) *Period of use:* Continuing use.

(vi) *Restrictions:* Disposal shall be limited to dredged material determined to be suitable for unconfined disposal from Grays Harbor estuary and adjacent areas. Additional discharge restrictions will be contained in the EPA/Corps management plan for the site.

(12) Nome, AK—East Site.

(i) *Location:* 64°29′54″N., 165°24′41″W.; 64°29′45″N., 165°23′27″W.; 64°28′57″N., 165°23′29″W.; 64°29′07″N., 165°24′25″.

(ii) *Size:* 0.37 square nautical mile.

(iii) *Depth:* Ranges from 1 to 12 meters.

(iv) *Primary use:* Dredged material.

(v) *Period of use:* Continuing use.

(vi) *Restrictions:* Disposal shall be limited to dredged material from Nome, Alaska, and adjacent areas. Use will be coordinated with the City of Nome prior to dredging.

(13) Nome, AK—West Site.

(i) *Location:* 64°30′04″N., 165°25′52″W.; 64°29′18″N., 165°26′04″W.; 64°29′13″N., 165°25′22″W.; 64°29′54″N., 165°24′45″W.

(ii) *Size:* 0.30 nautical miles.

(iii) *Depth:* Ranges from 1 to 11 meters.

(iv) *Primary use:* Dredged material.

(v) *Period of use:* Continuing use.

(vi) *Restrictions:* Disposal shall be limited to dredged material from Nome, Alaska, and adjacent areas. Use will be coordinated with the City of Nome prior to dredging. Preference will be given to placing any material in the inner third of the site to supplement littoral drift, as needed.

(o) Region X Final Other Wastes Sites.

(1) No final sites.

(2) [Reserved]

[59 FR 61130, Nov. 29, 1994, as amended at 60 FR 2699, Jan. 11, 1995; 60 FR 25148, May 11, 1995; 60 FR 49230, Sept. 22, 1995; 60 FR 50114, Sept. 28, 1995; 61 FR 2946, Jan. 30, 1996; 61 FR 68970, Dec. 30, 1996; 62 FR 46149, Aug. 29, 1997; 64 FR 39933, July 23, 1999; 65 FR 31497, May 18, 2000]

PART 229—GENERAL PERMITS

Sec.
229.1 Burial at sea.
229.2 Transport of target vessels.
229.3 Transportation and disposal of vessels.

AUTHORITY: 33 U.S.C. 1412 and 1418.

SOURCE: 42 FR 2489, Jan. 11, 1977, unless otherwise noted.

§ 229.1 Burial at sea.

(a) All persons subject to title I of the Act are hereby granted a general permit to transport human remains from the United States and all persons owning or operating a vessel or aircraft registered in the United States or flying the United States flag and all departments, agencies, or instrumentalities of the United States are hereby granted a general permit to transport human remains from any location for the purpose of burial at sea and to bury such remains at sea subject to the following conditions:

(1) Except as herein otherwise provided, human remains shall be prepared for burial at sea and shall be buried in accordance with accepted practices and requirements as may be deemed appropriate and desirable by the United States Navy, United States Coast Guard, or civil authority charged with the responsibility for making such arrangements;

(2) Burial at sea of human remains which are not cremated shall take place no closer than 3 nautical miles from land and in water no less than one hundred fathoms (six hundred feet) deep and in no less than three hundred fathoms (eighteen hundred feet) from (i) 27°30′00″ to 31°00′00″ North Latitude off St. Augustine and Cape Canaveral, Florida; (ii) 82°20′00″ to 84°00′00″ West Longitude off Dry Tortugas, Florida; and (iii) 87°15′00″ to 89°50′00″ West Longitude off the Mississippi River Delta, Louisiana, to Pensacola, Florida. All necessary measures shall be taken to ensure that the remains sink to the bottom rapidly and permanently; and

(3) Cremated remains shall be buried in or on ocean waters without regard to the depth limitations specified in paragraph (a)(2) of this section provided that such burial shall take place no closer than 3 nautical miles from land.

(b) For purposes of this section and §§ 229.2 and 229.3, *land* means that portion of the baseline from which the territorial sea is measured, as provided for in the Convention on the Territorial Sea and the Contiguous Zone, which is in closest proximity to the proposed disposal site.

(c) Flowers and wreaths consisting of materials which are readily decomposable in the marine environment may be disposed of under the general permit set forth in this section at the site at which disposal of human remains is authorized.

(d) All burials conducted under this general permit shall be reported within 30 days to the Regional Administrator of the Region from which the vessel carrying the remains departed.

§ 229.2 Transport of target vessels.

(a) The U.S. Navy is hereby granted a general permit to transport vessels from the United States or from any other location for the purpose of sinking such vessels in ocean waters in testing ordnance and providing related data subject to the following conditions:

(1) Such vessels may be sunk at times determined by the appropriate Navy official;

(2) Necessary measures shall be taken to insure that the vessel sinks to the bottom rapidly and permanently, and that marine navigation is not otherwise impaired by the sunk vessel;

(3) All such vessel sinkings shall be conducted in water at least 1,000 fathoms (6,000 feet) deep and at least 50 nautical miles from land, as defined in § 229.1(b); and

(4) Before sinking, appropriate measures shall be taken by qualified personnel at a Navy or other certified facility to remove to the maximum extent practicable all materials which may degrade the marine environment, including without limitation (i)